

**REMARKS**

As presently amended, Claim 15 is directed to the embodiment of the presently cancelled Claim 16. The amendment to Claim 18 finds its support in page 12, line 3.

The cancellation of Claim 16 renders moot the requirement for corrected spelling.

Claims 15 – 26 stand rejected under 35 U.S.C. 112 first paragraph for alleged failure to comply with the statutory requirements.

Contrary to Examiner's assertion the "random (co)polymer(s)" of Claim 15 is/are disclosed in the specification in page 9, line 30 et seq. No issue sounding in "new matter" is believed tenable.

The point relative to "copolymers of polymers such as polyurethanes or silicones etc." is not well taken. At issue is whether the specification needs to disclose how to make known materials. Applicants note that the description requirement under Section 112 aims to assure that the Applicant possessed the claimed subject matter at the time of filing and to allow later inventors to develop and patent improvements predicated on applicant's disclosure. Applicants submit that the preparations of the materials at issue are known and that there is no statutory basis for Examiner's requirements. If the Examiner disagrees, the Applicants ask that the materials/processes that the Examiner perceives as requiring further disclosure be identified.

The amendment to Claim 18 is believed to address the 112 rejection of this claim.

The rejections under the first paragraph of Section 112 are believed addressed by the above.

Claims 15 – 26 stand rejected under 35 U.S.C. 112 second paragraph the Examiner appearing to allege lack of clarity and/or internal inconsistency in Claim 15.

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The presently relevant recitation in Claim 15 reads as follows:

“said rubber modified graft polymer including rubber B.2 grafted with at least one random (co)polymer of B.1.1 and/or B.1.2”

Clearly the graft polymer includes a rubber –B.2 – and a grafted phase of B.1.1 and/or B.1.2. The embodiments where the grafted phase is a homopolymer it may be either of B.1.1 or of B.1.2. In the embodiments where the grafted phase is a copolymer of B.1.1 and/or B.1.2 the copolymer is random.

The alleged contradiction is not fully recognized and the rejection alleging the same is requested to be reconsidered and withdrawn.

Claims 15 and 19-26 stand rejected under 35 U.S.C.103(a) as being unpatentable over Katayama et al U.S. Patent 6,316,579.

The amendment to Claim 15 rendering it co-extensive with Claim 16 (presently cancelled) a claim deemed patentable over Katayama, is believed to address and overcome the stated rejection.

Claims 15 and 19-26 stand rejected under 35 U.S.C.103(a) as being unpatentable over Noriyuki et al JP 10-245481.

The amendment to Claim 15 rendering it co-extensive with Claim 16 (presently cancelled) a claimed deemed patentable over Noriyuki, is believed to address and overcome the stated rejection.

Believing the above represent a complete response to the Office Action and that the application is in condition for allowance, Applicants request the earliest issuance of an indication to this effect.

Respectfully submitted,

By



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